



# Quick Reference Guide to HIPAA Privacy

**What is HIPAA?** The Health Insurance Portability and Accountability Act is federal regulation. Its primary purpose is to reduce costs and administrative burdens in health care. It does this through:

- Enhanced **privacy** to protect individually identifiable health information (“protected health information” [PHI]) in any form (oral, paper, electronic) and providing patients rights in their information, by April 14, 2003.
- Standard **security** measures to ensure confidentiality, integrity, and availability of data, in next two years.

**Who does HIPAA apply to?** *HIPAA applies to YOU because you are a:*

- Member of our workforce (i.e., employee, volunteer, trainee, or other person who performs work for us), or

## What does compliance mean?

Following policies and procedures, on which you must receive training and on which we will periodically audit, or be subject to organizational sanctions, civil or criminal penalties, and potentially loss of license.

HIPAA Privacy Standard	See our Policy and Procedure
<b>Safeguard</b> against incidental disclosures of PHI – while hallway conversations and charts on counters may not be violations, they can be perceived by the public as lax confidentiality.	<ul style="list-style-type: none"> <li>▪ Confidentiality/Security of PHI</li> <li>▪ Transmission via Fax or Email</li> </ul>
Give the patient an <b>opportunity to accept or reject</b> disclosure of limited information to a family member or friend for their involvement in the patient’s care.	<ul style="list-style-type: none"> <li>▪ Opportunity to Accept/Reject Uses &amp; Disclosures of PHI</li> <li>▪ Personal Representatives</li> </ul>
Other than for use in treatment, use or disclose only the <b>minimum necessary</b> information needed to perform the task. Use de-identified information or a limited data set (with data use agreement) when possible.	<ul style="list-style-type: none"> <li>▪ Minimum Necessary Uses, Disclosures, &amp; Requests</li> <li>▪ De-Identification</li> </ul>
Ensure that any use or disclosure you make is consistent with our <b>notice of privacy practices</b> , which we must give every patient and ask that they sign acknowledgement of receipt.	<ul style="list-style-type: none"> <li>▪ Notice of Privacy Practices</li> </ul>
Obtain an <b>authorization</b> from the patient for any use or disclosure that is for other than treatment, payment, and healthcare operations (TPO) purposes or as permitted by the HIPAA privacy rule. If you are uncertain about the identity or authority of anyone requesting information, ask for <b>verification</b> .	<ul style="list-style-type: none"> <li>▪ Authorization Requirements for Uses &amp; Disclosures of PHI</li> <li>▪ Business Associates</li> <li>▪ Marketing &amp; Fundraising</li> </ul>
Get an authorization from the patient or IRB waiver for use of PHI in all <b>research</b> on human subjects. To use PHI preparatory to research, you must present a representation that you will not remove any PHI.	<ul style="list-style-type: none"> <li>▪ Uses &amp; Disclosures of PHI for Research</li> </ul>
<p>Patients have new or enhanced <b>rights</b> in their information:</p> <ul style="list-style-type: none"> <li>▪ Right to <b>request restrictions</b> on who may use their information, to whom we may disclose information, or where we may conduct or send <b>confidential communications</b> – which we will only accept if they do not impair ability to treat our patients or receive reimbursement.</li> <li>▪ Right to <b>access</b> – to view or copy their medical and/or billing record, unless we believe access will harm the patient.</li> <li>▪ Right to <b>request amendment</b> – to have information added to their record to correct or supply additional information, which we may limit in quantity or deny if originally correct or not created by us.</li> <li>▪ Right to <b>accounting for disclosures</b> – made for other than TPO and pursuant to an authorization the patient has signed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Handling Patient Requests for Restrictions/Confidential Communications</li> <li>▪ Handling Patient Requests for Access or Amendment of Designated Record Set</li> <li>▪ Accounting for Disclosures</li> </ul>
HIPAA provides for the ability for anyone to file a <b>complaint</b> with us or with the federal government’s Office of Civil Rights and not be retaliated against.	<ul style="list-style-type: none"> <li>▪ Privacy Complaints</li> </ul>